

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Criminal Acquittal Appeal No.S-45/2026

Appellant: Noor Muhammad son of Abu Talib
Through Mr. Nazeer Hussain Jarwar advocate.

Respondent No.1: Nemo.

Respondent No.2: The State through Mr. Neel Parkash Deputy
Prosecutor General Sindh.

Date of Hearing: 12.10.2026

Date of Order: 12.10.2026

ORDER

Nisar Ahmed Bhanbhro, J: This Criminal Acquittal Appeal is directed against the judgment dated 15.07.2026 passed by the learned Civil Judge & Judicial Magistrate, Umerkot (Trial Court) in Criminal Case No.14 of 2026 “*Re-State versus Ramzan Samejo*” whereby respondent No.1 was acquitted under section 245(1) Cr.P.C from the charge of an offence punishable under section 489-F of P.P.C.

2. Facts in brief of the prosecution case are that the respondent No 1/accused Ramzan Samejo and Appellant Noor Muhammad started business of dealing cash crops viz. Cluster Bean (Guwar), Pearl Millet (Bajhar) and Moth. Parties opened a shop in Thar Bazar Ummerkot but accounts remained unsettled for last three years. In the month of January 2024 parties settled account and an amount of Rs 14 Million (One crore, forty lac rupees) became payable to appellant. Accused Ramzan Samejo issued cheque of Rs. 14 Million dated 13.11.2024 of Bank Al Falah in favour of appellant/complainant for consideration on account of business engagements. Cheque was presented before the concerned Bank through account of appellant in National Bank but the cheque was dishonored for want of sufficient funds. Appellant thereafter

appeared at police station and lodged such information of cognizable offence. Investigation followed its course and report under Section 173 Cr.P.C was submitted before learned Trial Court.

3. Respondent No 1 was indicted for charge. In order to prove its case prosecution examined Complainant Noor Muhammad and witnesses Bilal, Muhammad Missri, Munesh Kumar, SIP Roshan Din. Prosecution closed its side for evidence. Statement of accused under section 342 Cr.P.C. was recorded wherein he professed innocence.

4. Learned trial Court after hearing the parties, acquitted the respondent No 1/accused of the charge on the ground that business transactions between the parties were not proved as no evidence was brought on record to say that in what manners, the appellant/complainant invested such huge amount for business purpose. PW Bilal and Muhammad Misri categorically deposed that they were not aware about any business deal between the parties, the consideration was not established and issuance of cheque with dishonesty was not established, therefore criminal charge was not constituted.

5. Learned counsel for the appellant when confronted to such findings rendered by the learned Trial Court failed to controvert the same. However contended that issuance of cheque and signature on it were not denied. The proof of consideration and dishonesty were not the essential ingredients to establish the charge for an offence punishable under section 489-F P.P.C Learned D.P.G also supported the impugned judgment and contended that prosecution has not successfully discharged its burden to prove the charge beyond shadow of doubt, hence Respondent No 1 was rightly acquitted.

6. Heard learned counsel for the appellant and learned D.P.G for state. Appraisal of evidence on record revealed that prosecution was burdened to prove the charge of an offence punishable under section 489 - F of P.P.C. For burdening the accused with the charge of an offence under referred penal provisions it is essential to establish that cheque was issued with dishonest intention with a purpose to re-pay loan or to fulfill an obligation. Learned trial Court after appraisal of evidence available on record arrived at a conclusion that prosecution had failed to bring on record any evidence to say that the cheque was issued for repayment of loan or again the fulfillment of any obligation. No witness was deposed that the alleged amount was paid by the appellant and moreover no record was produced to substantiate the investment in the joint business. Besides the appellant has also initiated civil proceedings against accused Ramzan for recovery of alleged amount.

7. The criteria of interference in the judgment against acquittal are quite different from the cases involving a conviction. In this regard, the settled principles of law have been developed progressively. It is settled proposition that the scope of interference in appeal against acquittal is most narrow and limited, because in an acquittal the presumption of innocence is significantly added to the cardinal rule of criminal jurisprudence, that an accused shall be presumed to be innocent until proved guilty; in other words, the presumption of innocence is doubled. The courts shall be very slow in interfering with such an acquittal judgment, unless it is shown to be perverse, passed in gross violation of law, suffering from the errors of grave misreading or non-reading of the evidence; such judgments should not be lightly interfered and heavy burden lies on the prosecution to rebut

the presumption of innocence which the accused has earned and attained on account of his acquittal.

8. No illegality or infirmity, misreading or non reading of the evidence has surfaced in the impugned judgment. Accordingly, the instant Criminal Acquittal Appeal stands dismissed along with listed application, if any.

JUDGE

“Chander Kumar”